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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

TAIWEI HO,

Defendant.

No. CR 11-00562 DLJ

**AMENDED STIPULATION AND
~~PROPOSED~~ ORDER CONCERNING
RESTITUTION**

The parties, including the defendant, stipulate as follows:

- On September 13, 2011, defendant Taiwei Ho (“defendant”) pled guilty to two counts of criminal copyright infringement, in violation of 17 U.S.C. § 506(a)(1), 18 U.S.C. § 2319(b)(1). On November 8, 2012, the Court sentenced defendant to 3 years of probation with a condition of 6 months of community confinement, a \$10,000 fine and a \$200 mandatory special assessment. The Court also ordered the government to contact the Entertainment Software Alliance (ESA) to determine what ESA would do if the Court awarded it restitution.
- On November 12, 2012, the government contacted a representative of ESA who stated that ESA represented the interests of its members and any restitution should be paid directly to

the victim corporations, Sony Computer Entertainment America and Nintendo of America, Inc..

Therefore, the parties respectfully request that the Court order defendant to pay restitution to the following parties in the following amounts:

<u>Restitution Recipient</u>	<u>Amount</u>
Sony Computer Entertainment America c/o Michael B Smith, Senior Corporate Counsel 919 East Hillsdale Boulevard Foster City, California 94404	\$ 5,776.37
Nintendo of America, Inc. c/o Lynn Knudson, Senior Paralegal Legal Department 4600 150 th Avenue NE Redmond, Washington 98052	\$35,483.43

The parties also respectfully request that restitution be paid at a rate not less than \$300 per month.

IT IS SO STIPULATED.

MELINDA HAAG
United States Attorney

Dated: 12/12/12

/s/

HANLEY CHEW
Assistant United States Attorney

Dated: 12/12/12

/s/

EDWARD HUNG
Attorney for defendant

~~[PROPOSED]~~ ORDER

Having considered the stipulation of the parties, and good cause appearing, the Court orders that defendant Taiwei Ho be ordered to pay restitution in the following parties in the following amounts:

Restitution Recipient

Amount

Sony Computer Entertainment America
c/o Michael B Smith, Senior Corporate Counsel
919 East Hillsdale Boulevard
Foster City, California 94404

\$ 5,776.37


Nintendo of America, Inc.
c/o Lynn Knudson, Senior Paralegal
Legal Department
4600 150th Avenue NE
Redmond, Washington 98052

\$35,483.43

Defendant shall make restitution payments in an amount not less than \$300 per month.

IT IS SO ORDERED.

DATED: FCJFG



THE HONORABLE D. LOWELL JENSEN
United States District Court Judge